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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

## SAN FRANCISCO DIVISION

12 || TYCO HEALTHCARE GROUP LP d/b/a  
VNUS MEDICAL TECHNOLOGIES,

LEAD CASE NO. C08-03129 MMC

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CASE NO. C08-03129 MMC

15 BIOLITEC, INC., DORNIER MEDTECH  
16 AMERICA, INC., and NEW STAR LASERS,  
INC. d/b/a COOLTOUCH, INC.,

## IN PART AND DENYING IN PART

17 Defendants.

**PLAINTIFF'S MOTION FOR  
ADMINISTRATIVE RELIEF TO FILE  
DOCUMENTS UNDER SEAL; VACATING  
SEPTEMBER 10, 2010 ORDER [DOCUMENT  
NO. 305]  
[CIVIL LOCAL RULES 7-11, 79-5]**

20 TYCO HEALTHCARE GROUP LP d/b/a  
VNUS MEDICAL TECHNOLOGIES.

CASE NO. C08-04234 MMC  
(consolidated with C08-3129 MMC)

Plaintiff,

TOTAL VEIN SOLUTIONS, LLC d/b/a  
TOTAL VEIN SYSTEMS.

25 || Defendant

1 Before the Court is the Plaintiff's Motion for Administrative Relief to File Documents  
2 Under Seal dated August 30, 2010, by which Plaintiff seeks leave to file under seal unredacted  
3 versions of certain documents submitted in support of Plaintiff's Notice of Motion and Brief in  
4 Support of its Motion *in Limine* No. 1 to Exclude Testimony and the Use of Prior Testimony  
5 Regarding Certain Alleged Uses by Drs. Bush, Mercier and Dunne. Having reviewed the  
6 submissions filed in support of the motion, the Court rules as follows:

7 1. The motion is GRANTED as to the following documents that ~~the parties or former~~ former  
8 party Dornier MedTech America, Inc. ("Dornier") ~~have~~ shown contain material properly filed  
9 under seal, each of which the requesting party is directed to file under seal, no later than ~~five~~  
September 21, 2010<sup>1</sup>  
10 ~~calendar days from the date of this order:~~

11 Pages 71-75

12 • Designated portions of Exhibit 4 to the Declaration of Jeremy Brodsky in Support of  
13 Plaintiff's Notice of Motion and Brief in Support of its Motion *in Limine* No. 1 to  
Exclude Testimony and the Use of Prior Testimony Regarding Certain Alleged Uses  
by Drs. Bush, Mercier and Dunne, which have been designated by Dornier.

14 • Designated portions of Plaintiff's Notice of Motion and Brief in Support of its  
15 Motion *in Limine* No. 1 to Exclude Testimony and the Use of Prior Testimony  
Regarding Certain Alleged Uses by Drs. Bush, Mercier and Dunne, dated August  
30, 2010, which reflect confidential information of ~~Defendants and~~ Dornier.

16 2. The motion is DENIED as to Exhibit 13 to the Declaration of Jeremy Brodsky  
(excerpts from deposition of Jose I. Almeida, M.D.), and any page of Exhibit 4 other than those  
17 identified above; plaintiff is DIRECTED to file said documents in the public record no later than  
September 21, 2010.

18 3. The Court's September 10, 2010 order [Document No. 305] is vacated.

19 4. Plaintiff's motion requesting that Document Nos. 307 and 308 be removed from the  
20 public docket is GRANTED.

21 IT IS SO ORDERED.

22 Dated: September 15 2010

  
HON. MAXINE M. CHESNEY  
United States District Judge

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27 <sup>1</sup> Dornier's showing was made after the Court issued its order of September 10, 2010.  
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